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NOV - 1 1994

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

November 1, 1994

HAND DELIVER

William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

ATTN: The Honorable John M. Frysiak

RE: Family Broadcasting, Inc., MM Docket No. 94-20, Channel
229A, Hague, New York

Dear Mr. Caton:

Transmitted herewith on behalf of Family Broadcasting, Inc. is an original and five copies of its "Petition for Leave to Amend" filed in connection with the above-referenced docketed proceeding.

An amendment to the referenced application is filed concurrently.

Should any questions arise concerning this matter, kindly contact the undersigned directly.

Respectfully submitted,

FAMILY RADIO, INC.

By: 

Joseph E. Dunne III
Its Attorney

JED:B91

xc: The Honorable John M. Frysiak (FCC Room 223, Hand Deliver)
Robert Zauner, Esq. (FCC Room 7212, Hand Deliver)

No. of Copies rec'd
List ABCDE

45

WASHINGTON, D.C. 20554

NOV - 1 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

To: The Honorable John M. Frysiak
Administrative Law Judge

Order, DA 94-215, ¶ 4 (released March 23, 1994). Family has been without an antenna site since the rejection of the amendment, so the amendment submitted herewith cures a potentially disqualifying application defect.

2. Acceptance of a post-designation amendment is governed by section 73.3522(b)(i) of the Commission's rules.

To establish good cause for a post designation amendment, 'the applicant must have acted with due diligence, the action was not required by its voluntary act, no additional issues or parties would be required, the hearing process would not be disrupted, there will be no prejudice to competing applicants, and the applicant will not gain a comparative advantage.'

California Broadcasting Corp., 90 FCC 2d 800, 808, 51 RR 2d 1539, 28, citing Ervin O'Conner, 22 FCC 2d 140, 143, 18 RR 2d 820, ¶ 4 (Rev. Bd. 1970). In addition, "the engineering amendment was required by events the applicant could not have reasonably foreseen." Imagists, Inc., 8 FCC Rcd 2763, 72 RR 2d 632, 633 (1993).

3. Considered under the Ervin O'Conner criteria, it is clear that Family's proffered amendment should be accepted. Family initially filed the amendment with due diligence, locating and amending its application to a new site within 10 weeks of the date of the letter from Mr. Westbrook which gave Family's principal its first indication that it no longer had reasonable assurance of the availability of the site it initially specified on Mount Defiance--if Family's version of events is credited. Even now Family is filing its amendment with diligence, in fact, probably prematurely, since the petition and its proffered amendment may not be granted

until the Commission resolves the issues raised in the Hearing Designation Order concerning whether it initially had reasonable assurance to specify the Mount Defiance site and whether it misrepresented that it had reasonable assurance to use the Mount Defiance site in its application. Commission precedent makes clear that without the favorable resolution of these issues Family's petition may not be granted. "[T]he law is clear that 'an applicant will not be permitted to amend where it did not have the requisite reasonable assurance to begin with...' South Florida Broadcasting Co., 99 FCC 2d 840, 845, n. 12 (Rev. Bd. 1984) quoted in Classic Vision, Inc., 104 FCC 2d 1271, 1273, 60 RR 2d 1681 (Rev. Bd. 1986) review denied, 2 FCC Rcd 2375 (1987); 62 Broadcasting, Inc., 4 FCC Rcd 1768, 65 RR 2d 1829 (Rev. Bd. 1989), review denied, FCC 90-48 (released February 13, 1990). See Also, Cannon Communications Corp., 101 FCC 2d 823, 58 RR 2d 950 (Rev. Bd. 1990), review denied, FCC 86-214 (Released May 15, 1986), remanded to ALJ on another issue, FCC 88-215 (released July 11, 1988); Berea Broadcasting Co., Inc., 4 FCC Rcd 8813, 67 RR 2d 405 (Rev. Bd. 1989). In this instance Family is submitting its petition for leave to amend before it may technically be granted so that there will be no delay in considering the petition should the issues designated against it be resolved in its favor and permit the favorable consideration of its request to move sites.

4. The act of amending to a new site was clearly not a voluntary act of Family, nor, if its version of the facts is credited, was the need to change sites reasonably foreseeable. As

noted in paragraph 9 of the Hearing Designation Order, if Family's version of its principal's conversation with Mr. Westbrook is believed, Family was not unreasonable in believing it had reasonable assurance of the availability of the Mount Defiance site and, since it was offering an economic benefit to the site owner--monthly rent--it had no reason to assume that the assurance would be withdrawn pending negotiation of a lease arrangement.

5. Acceptance of the proffered amendment will not disrupt the hearing process, because the grant of the petition and acceptance of the amendment is dependent upon the favorable resolution of issues which are presently pending. No new parties or issues will need to be added. Finally, no comparative benefit will accrue to Family since there are no competing applications.

6. Should the pending issues be resolved favorably to Family its petition should be granted and the amendment accepted. It has satisfied the "good cause" test and acceptance of the amendment will speed the initiation of broadcast service to Hague. Family appeals to the Presiding Officer's broad discretion to grant the petition and accept its amendment if, and when, the pending issues against Family are resolved in its favor. The "general guidelines governing such determinations--that an agency has a public interest obligation to provide new service to the public as expeditiously as possible." Imagists, Inc., supra, 72 RR 2d at 634-35, are served by the grant of this petition. As the Commission has often held,

[w]here a post designation amendment permits the immediate grant of a pending application, either by facilitating a settlement agreement or by curing a defect in the only pending application, the Commission generally

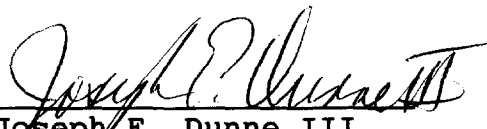
concludes that the equities favor accepting the amendment.

Las Americas Communications, Inc. 5 FCC 2d 1634, 67 RR 2d 801, 806, ¶ 25 (1990). In the event that the pending issues are resolved in its favor, the equities and the service needs of Hague urge the grant of this petition and acceptance of the concurrently filed amendment.

WHEREFORE, the foregoing considered, Family Broadcasting, Inc. respectfully requests that this petition for leave to amend be granted and the attached concurrently filed amendment be accepted.

Respectfully Submitted,

FAMILY BROADCASTING, INC.

By: 
Joseph E. Dunne III
Its Attorney

JOSEPH E. DUNNE III
Attorney at Law
1000 Thomas Jefferson Street, N.W.
Suite 520
Washington D. C. 20007
(202) 298-6345

FAMILY BROADCASTING, INC.

AMENDMENT

Approved by OMB
3060 - 0027
Expires 8/30/95

FCC 301

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FOR
FCC
USE
ONLY

**APPLICATION FOR CONSTRUCTION PERMIT
FOR COMMERCIAL BROADCAST STATION**

FOR COMMISSION USE ONLY

FILE NO.

Section I -- GENERAL INFORMATION

1. APPLICANT NAME
Family Broadcasting, Inc.

MAILING ADDRESS (Line 1) (Maximum 35 characters)

P.O. Box 8260

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY

Essex

STATE OR COUNTRY (if foreign address)

Vermont

ZIP CODE

04551

TELEPHONE NUMBER (include area code)

(802) 878-8885

CALL LETTERS

N/A

OTHER FCC IDENTIFIER (IF APPLICABLE)

BPH-910924MB

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1 -- GENERAL INFORMATION B.

2. A. Is a fee submitted with this application?

☐ Yes

☒ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) and go to Question 3.

☐

Governmental Entity

☐

Noncommercial educational licensee

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (If required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY									
(1)	<table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	<table border="1"><tr><td>\$</td></tr></table>	\$	<table border="1"><tr><td></td></tr></table>	
0	0	0	1										
\$													

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A)	(B)	(C)	FOR FCC USE ONLY									
(2)	<table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	<table border="1"><tr><td>\$</td></tr></table>	\$	<table border="1"><tr><td></td></tr></table>	
0	0	0	1										
\$													

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED
WITH THIS APPLICATION

\$

FOR FCC USE ONLY

3. This application is for: (check one box)

☐ AM

☒ FM

☐ TV

(b) Channel No. or Frequency

229A

(b) Principal
Community

City

Hague

State

NY

(c) Check one of the following boxes:

- ☐ Application for NEW station
- ☐ **MAJOR** change in licensed facilities; call sign: _____
- ☐ **MINOR** change in licensed facilities; call sign: _____
- ☐ **MAJOR** modification of construction permit; call sign: _____
- File No. of construction permit: _____
- ☒ **MINOR** modification of construction permit; call sign: _____ **N/A**
- File No. of construction permit: _____ **PBH-910924MB**
- ☐ **AMENDMENT** to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

4. Is this application mutually exclusive with a renewal application?

☐ Yes ☒ No

If Yes, state:

Call Letters	Community of License	
	City	State

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Suite 520

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Telecopier: 202-298-6375

November 1, 1994

HAND DELIVER

William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

ATTN: FM Branch, Audio Services Division

RE: Amendment to Application of Family Broadcasting, Inc. for
Channel 229A, Hague, New York (BPH-910924MB)

Dear Mr. Caton:

Transmitted herewith in triplicate on behalf of Family Broadcasting, Inc. is an amendment to the above-referenced application.

The referenced application is presently in hearing status in Family Broadcasting, Inc., MM Docket No. 94-20, and a "Petition for Leave to Amend" is filed concurrently.

Should any questions arise concerning this matter, kindly contact the undersigned directly.

Respectfully submitted,

FAMILY BROADCASTING, INC.

By: 

Joseph E. Dunne III
Its Attorney

JED:B91

enclosure

xc: Alex D. McEwing
Hague Public File

FCC 301

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR
FCC
USE
ONLY

COMMISSION USE ONLY

FILE NO.

Section 1 -- GENERAL INFORMATION

APPLICANT NAME
Family Broadcasting, Inc.

MAILING ADDRESS (Line 1) (Maximum 35 characters)

P.O. Box 8260

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

STATE OR COUNTRY (if foreign address)	ZIP CODE
Vermont	04551
TELEPHONE NUMBER (include area code)	CALL LETTERS
(802) 878-8885	N/A
	OTHER FCC IDENTIFIER (IF APPLICABLE)
	BPH-910924MB

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1 -- GENERAL INFORMATION B.

A. Is a fee submitted with this application? ☐ Yes ☒ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) and go to Question 3.

☐ Governmental Entity ☐ Noncommercial educational licensee

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A) FEE TYPE CODE	(B) FEE MULTIPLE (If required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
	0 0 0 1	\$	

to be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)	FOR FCC USE ONLY
	0 0 0 1	\$	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED WITH THIS APPLICATION	FOR FCC USE ONLY
\$	

3. This application is for: (check one box)

☐ AM ☒ FM ☐ TV

(b) Channel No. or Frequency
229A

(b) Principal Community	City	State
	Hague	NY

Section V-B - FM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. _____
 ASB Referral Date _____
 Referred by _____

Name of Applicant

Family Broadcasting, Inc.

Call letters (if issued)

Is this application being filed in response to a window? ☐ Yes ☒ No

If Yes, specify closing date: _____

Purpose of Application: (check appropriate boxes)

☒ Construct a new (main) facility

☐ Construct a new auxiliary facility

☐ Modify existing construction permit for main facility

☐ Modify existing construction permit for auxiliary facility

☐ Modify licensed main facility

☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☒ Antenna supporting-structure height

☒ Effective radiated power

☒ Antenna height above average terrain

☐ Frequency

☒ Antenna location

☐ Class

☐ Main Studio location

☐ Other (Summarize briefly)

File Number(s) BPH901924MB

1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
229	Hague	Warren	NY

Class (check only one box below)

☒ A ☐ B1 ☐ B ☐ C3
☐ C2 ☐ C1 ☐ C

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

Upper bullrock road, Ticonderoga NY

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	43°	51'	26"	Longitude	73°	29'	47"
----------	-----	-----	-----	-----------	-----	-----	-----

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☒ No

If Yes, give call letter(s) or file number(s) or both. _____

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any. _____

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 3)

10. Is a directional antenna proposed?

☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field.

Exhibit No.

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)?

☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 3.16 mV/m service.

Exhibit No.

12. Will the main studio be within the protected 3.16 mV/m field strength contour of this proposal?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?

☒ Yes ☐ No

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply?

☐ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.

- (1) Protected and interfering contours, in all directions (360), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibit(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band or amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☐ Yes ☒ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)

Exhibit No.

15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V (D). The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.
2

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
3

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 3.18 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 259 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 1508 sq. km. Population 39,412

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☒ Linearly interpolated 30-second database ☐ 7.5 minute topographic map

(Source: NGS via CDS)

☐ Other *(briefly summarize)*

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 5)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances	
		To the 3.16 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
"			
0	104	10.8	19.2
45	329	19.3	33.2
90	333	19.5	33.3
135	281	17.9	30.7
180 *	240	16.4	28.6
225	-95	5.8	10.1
270	14	5.8	10.1
315	24	5.8	10.1

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

20. Environmental Statement (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact? ☒ Yes ☐ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

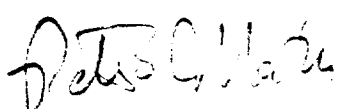
Exhibit No.

If No, explain briefly why not.

Proposed tower is not located in an environmentally sensitive area, will not employ strobe beacons and will not cause an RF radiation hazard. See exhibit 4

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed)	Relationship to Applicant (e.g., Consulting Engineer)
Peter Morton	Technical Consultant
Signature	Address (Include ZIP Code)
	P. O. Box 57 Rupert, VT 05768
Date	Telephone No. (Include Area Code)
11/1/94	(802) 394-7858

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Family Broadcasting, Inc.

1. Does the applicant propose to employ five or more full-time employees?

☐ Yes ☒ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 396-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3580?

☐ Yes ☒ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes ☐ No

If No, attach as an Exhibit, a full explanation.

Exhibit No.
n/a

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted Tim SpragueTelephone No. (include area code) (518) 585-3558

Person Contacted: (check one box below)

☐ Owner ☒ Owner's Agent ☐ Other (specify)

4. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

☒ Yes ☐ No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

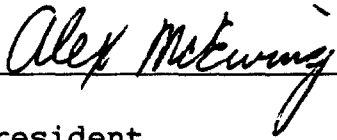
The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT
(U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT
(U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Alex D. McEwing	Signature 
Date 11/01/1994	Title President

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

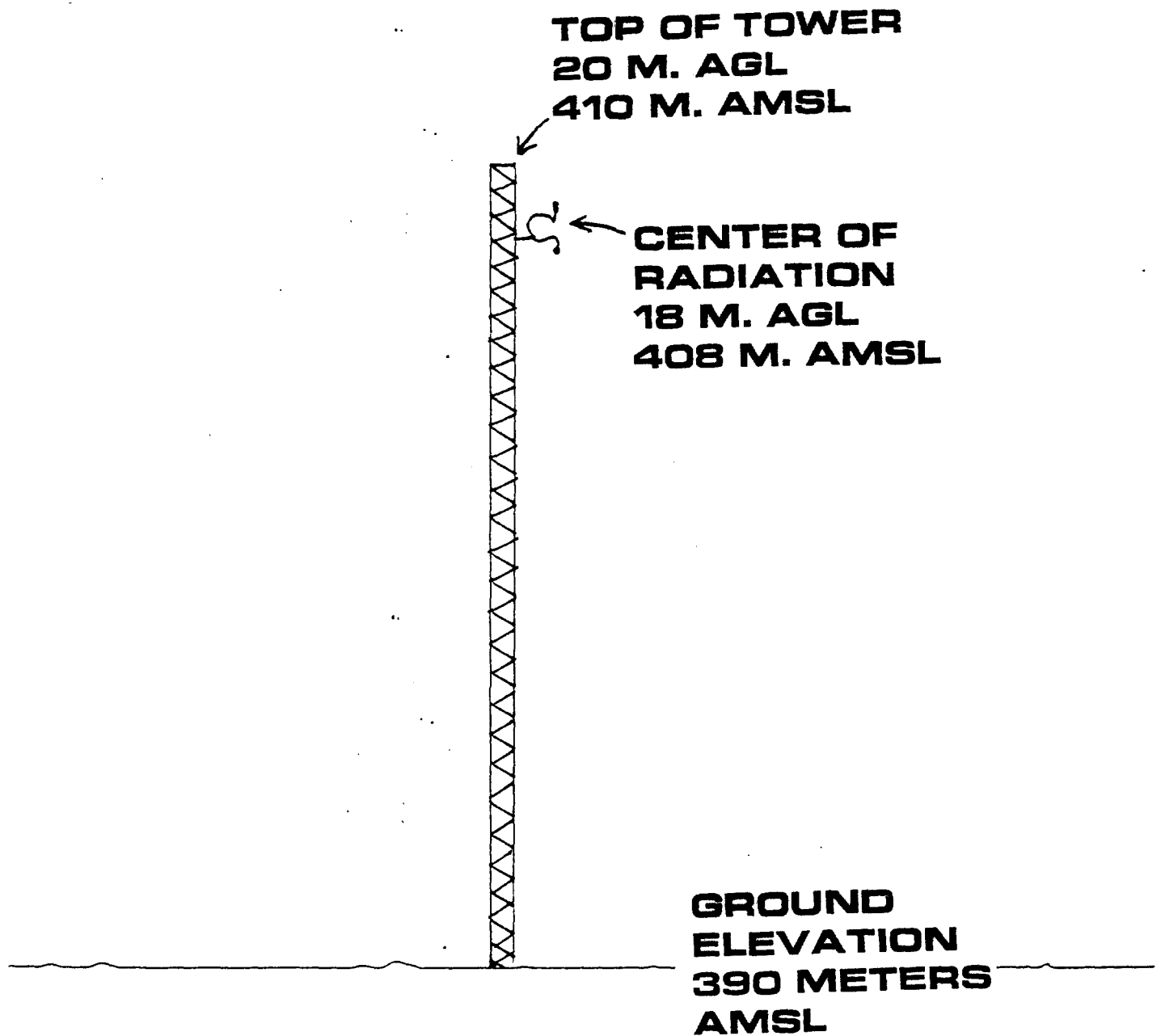
The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of the application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 72 hours 40 minutes to 347 hours 25 minutes with an average of 213 hours 32 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Information Resources Branch, Room 416, Paperwork Reduction Project, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0027), Washington, D.C., 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

EXHIBIT 1

TOWER SKETCH



73° 29' 47"

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

SE 1/4 NE
EAGLE LAKE

73° 30' 1720 000 FEET (N.Y.)

72° 00' 00" E

723

27° 30'

PORT HENRY 13 MI
CROWN POINT 5.8 MI

725 ICRC

43° 52' 30" 15 MI TO U.S. 9
CHILSON 17 MI

1 410 000 FEET
(N.Y.)

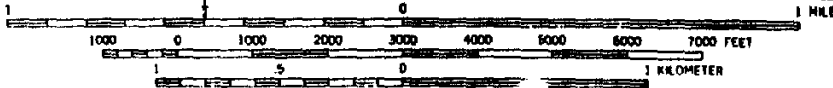
43° 51' 26"

44° 57' 00" N

TOWER SITE

EXHIBIT 2
TOWER SITE

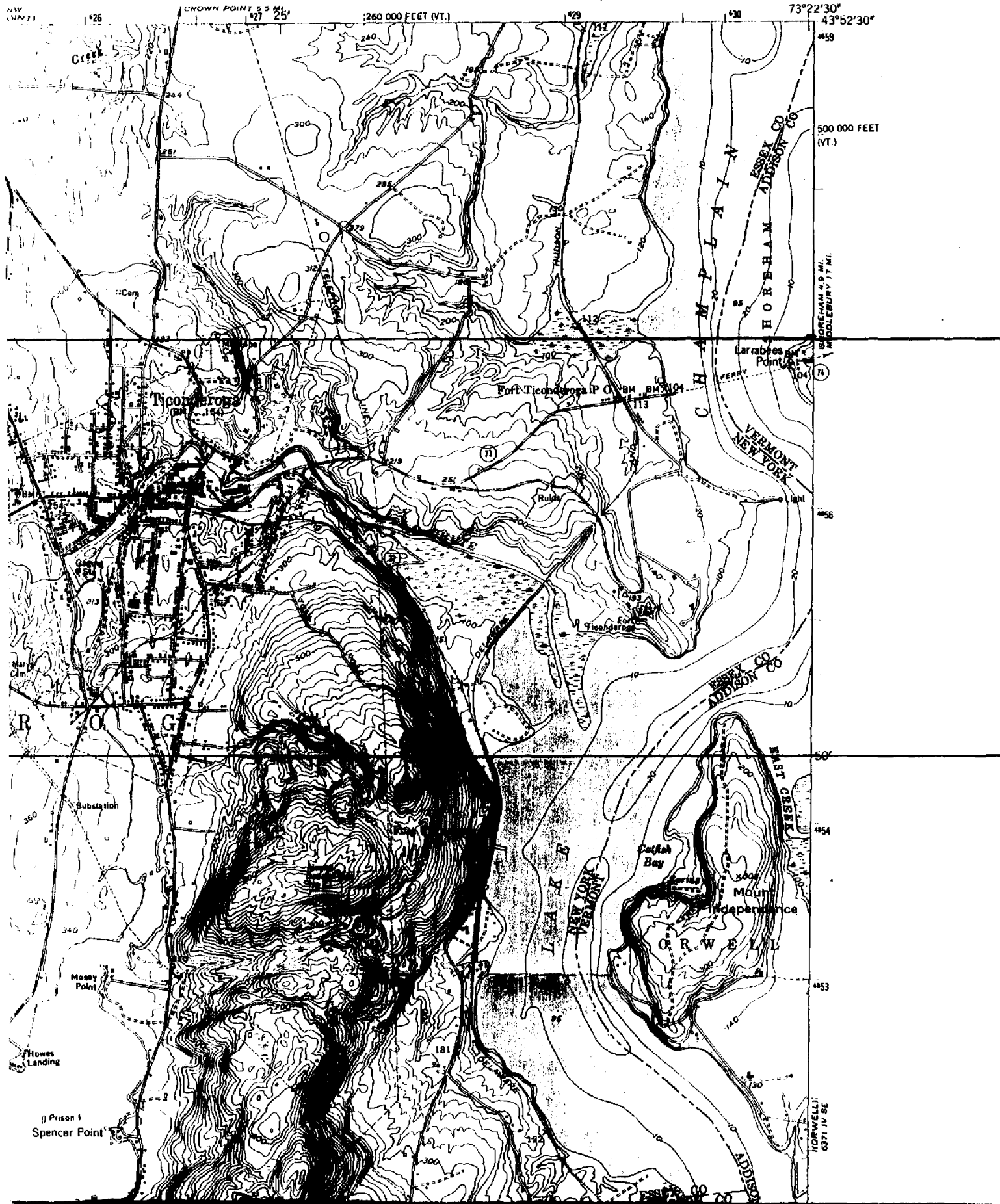
SCALE 1:24 000



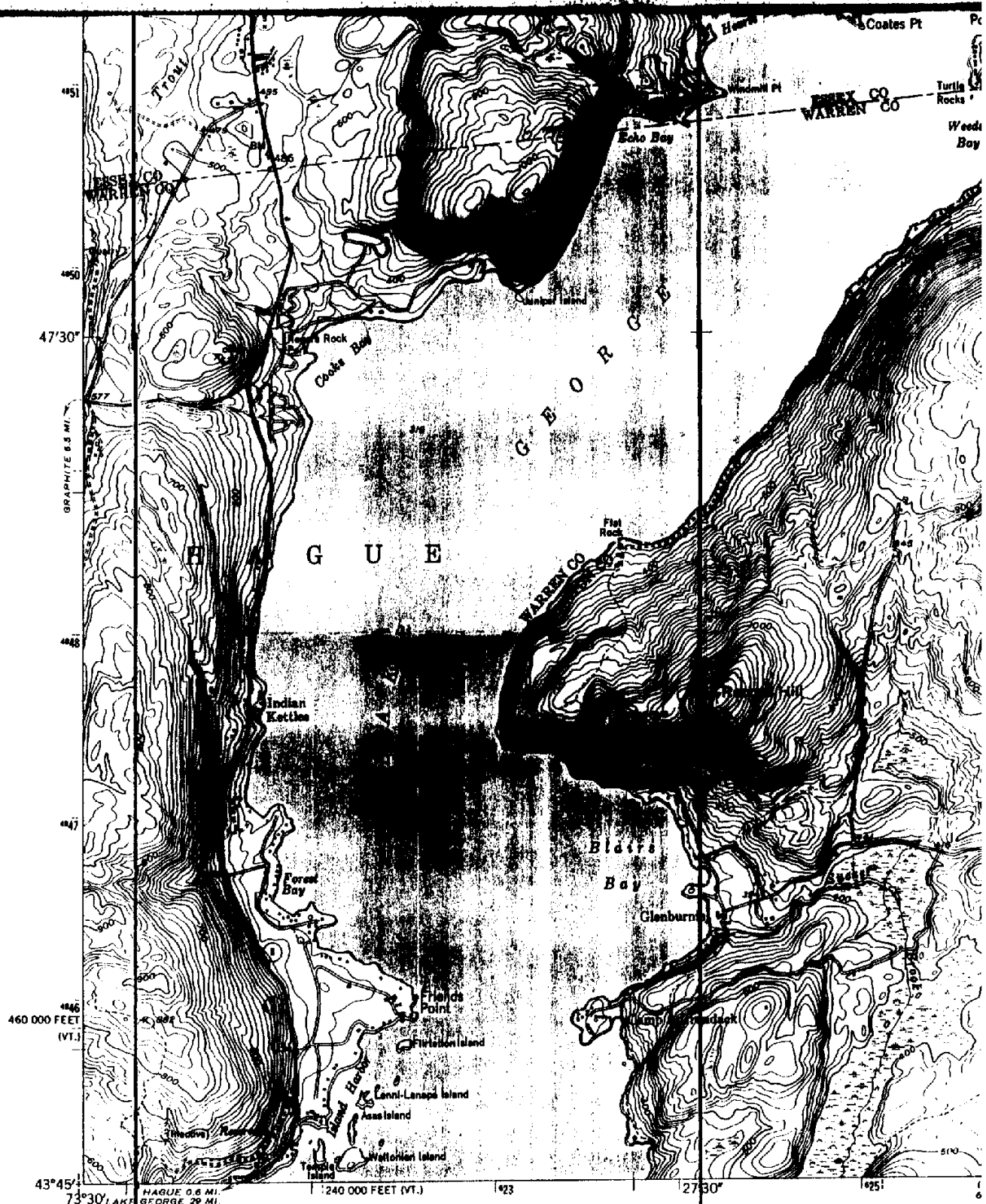
CONTOUR INTERVAL 20 FEET



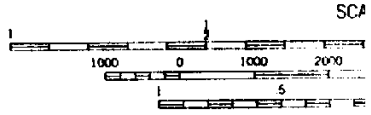
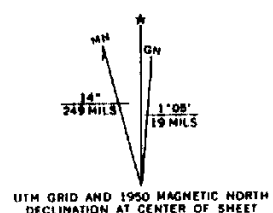
TICONDEROGA QUADRANGLE
NEW YORK-VERMONT
7.5 MINUTE SERIES (TOPOGRAPHIC)
SW/4 TICONDEROGA 15' QUADRANGLE



(SILVER BAY)
9271 11 NE

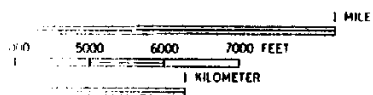
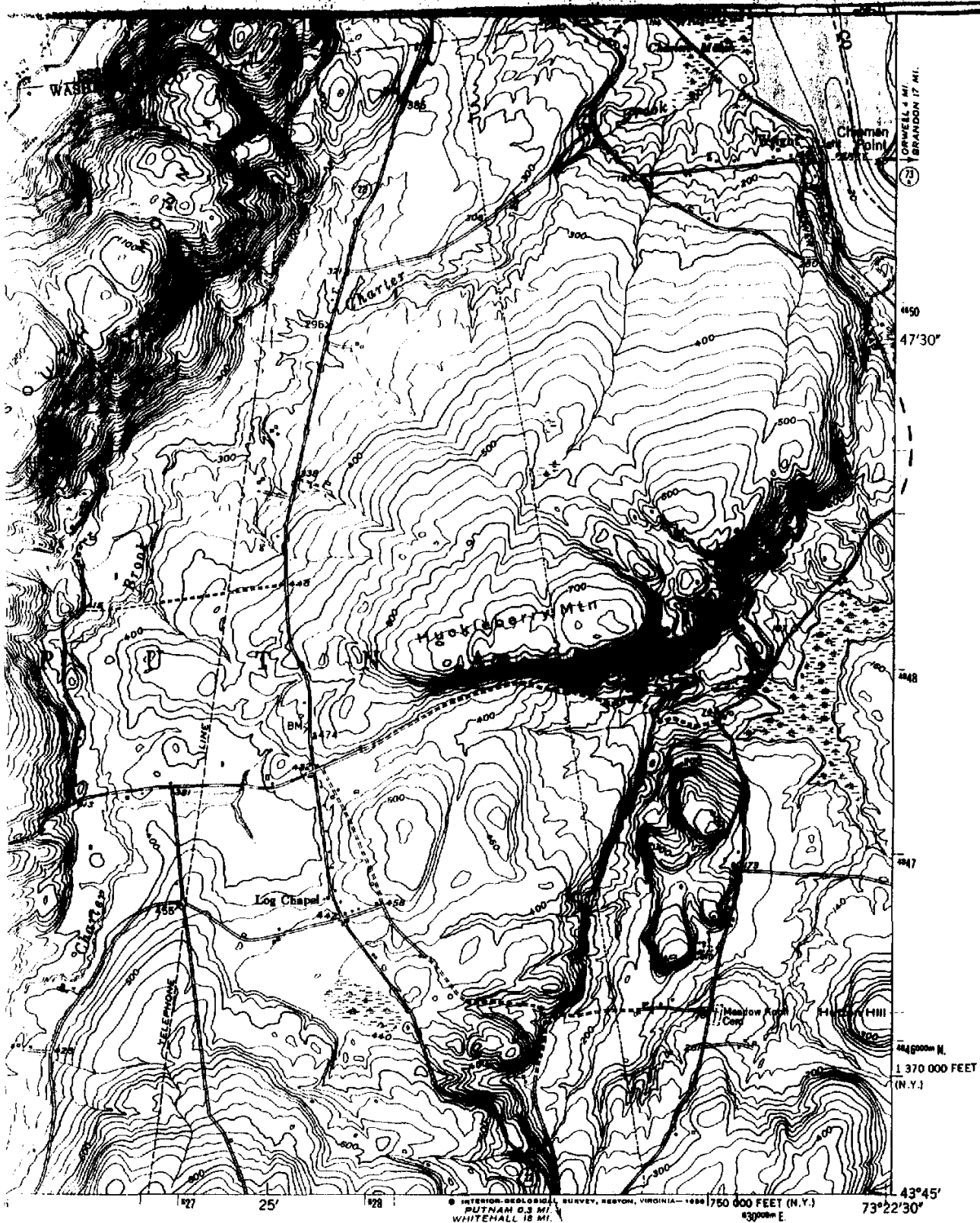


Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography from aerial photographs by multiplex methods
Aerial photographs taken 1942. Field check 1949-1950
Polyconic projection. 1927 North American datum
10,000-foot grids based on New York Coordinate system,
east zone, and Vermont coordinate system
1000-meter Universal Transverse Mercator grid ticks,
zone 18, shown in blue
To place on the predicted North American Datum 1983
move the projection lines 3 meters south and
34 meters west as shown by dashed corner ticks



CONTOUR
NATIONAL GEODETIC
DEPTH CURVES IN FEET - DAT

THIS MAP COMPLIES WITH
FOR SALE BY L
DENVER, COLORADO 81
A FOLDER DESCRIBING TOPOGRAPHIC
THIS MAP IS AVAILABLE WITH



1 FEET
 DATUM OF 1929
 LAKE LEVEL 92.5 FEET

ACCURACY STANDARDS
 ICAL SURVEY
 ION, VIRGINIA 22092
 MBOLS IS AVAILABLE ON REQUEST
 SHADED RELIEF OVERPRINT



QUADRANGLE LOCATION

ROAD CLASSIFICATION
 Heavy-duty ——— Light-duty ———
 Medium-duty ——— Unimproved dirt - - - - -
 ○ State Route

TICONDEROGA, N.Y.-VT.
 SW/4 TICONDEROGA 15' QUADRANGLE
 43073-G4-TF-024

1950

DMA 6371 IV SW-SERIES V821

The map displays the state of Vermont with various towns and geographical features. A large circle is drawn around the City of License, with a radius of 3.16 mV/M. The map also shows the 1 mV/M contour and the 270, 90, and 180 degree bearings. The City of License is located in the center of the map, near the intersection of the 270 and 90 degree bearings. The map includes a scale bar and a north arrow.

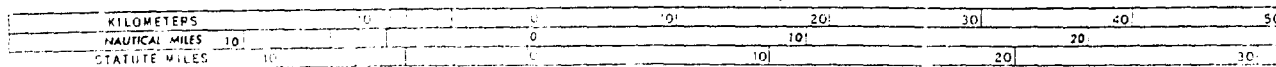


EXHIBIT "4"

RF RADIATION STATEMENT

Using the methods set forth in OST Bulletin # 65 the maximum power density at ground level generated by the instant proposal is .25 mw/cm². Since this level amounts to only 25% of the allowable ansi standard, we beleive that this proposal poses no hazzard due to RF radiation.

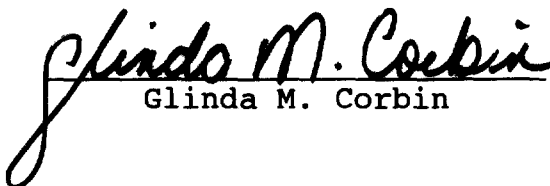
The applicant will reduce power or cease operation as necessary to protect workers who will be working on the tower if such work should ever be required.

CERTIFICATE OF SERVICE

I, Glinda M. Corbin, a legal assistant in the Law Offices of Joseph E. Dunne III, hereby certify that I have this 1st day of November, 1994 caused a copy of the foregoing PETITION FOR LEAVE TO AMEND to be sent by hand delivery to the following:

The Honorable John M. Frysiak
Administrative Law Judge
The Federal Communications Commission
2000 L Street, N. W., Room 223
Washington, D.C. 20554

Robert Zauner, Esq.
Federal Communications Commission
2025 M Street, N.W., Suite 7212
Washington, D.C. 20554


Glinda M. Corbin